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17	D-LINK SYSTEMS, INC.	
18		
19	UNITED STATES D	
20	NORTHERN DISTRIC	CT OF CALIFORNIA
21	SAN FRANCIS	CO DIVISION
22	3COM CORPORATION,	No. C-03-2177 VRW
23	Plaintiff,	JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
24	v.	PURSUANT TO PATENT L.R. 4-3
25	D-LINK SYSTEMS INC.,	
26	Defendant.	
27		I
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	II	

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Under Patent L.R. 4-3, Plaintiff, 3Com, and Defendant, D-Link, propose construing the terms and claim elements identified below as follows.

The parties exchanged proposed terms and claim elements for construction pursuant to Patent L.R. 4-1. The parties thereafter exchanged proposed constructions for each term and claim element pursuant to Patent L.R. 4-2 and conducted a meet-and-confer conference regarding the proposed terms and claim elements. The parties expressly reserve their rights to propose constructions of additional terms, phrases or clauses in the asserted patents at a later time. In addition, the parties expressly reserve their rights to supplement or amend the proposed construction and other positions set forth herein.

I.

### CLAIM TERMS, PHRASES, OR CLAUSES ON WHICH THE PARTIES AGREE.

Pursuant to Patent L.R. 4-3(a), the parties identify those claims terms, phrases, or clauses on which the parties agree:

Claim Term	Joint Construction	
task	A processing routine.	
network interface adapter	Equipment between a host computer and a communications medium for enabling communication.	
in parallel	A period of concurrent operation.	
monitoring	Watching, keeping track of, or checking on.	
threshold determination	A determination of whether the threshold amount has been reached.	
bad frame signal	A specific signal flag indicating that a corresponding frame contains invalid data.	
threshold logic  Circuitry or a device for making a threshold determination.		
host computer / host system	A computer that communicates over a network.	
network	A system of computers, terminals, and databases connected by communications paths.	

1	Claim Term	Joint Construction	
2	CSMA/CD	A carrier sense multiple access (CSMA) with collision detection (CD) network, such as an Ethernet network.	
3 4	communications medium	A network path through which frames are transmitted or received.	
5	underrun condition	The condition of falling behind. See construction for "falls behind."	
6 7	indication signal	A signal that is used to point out or to notify.	
8	medium access controller	Circuitry or a device that controls access to the network.	
10			
11	optimizing the threshold value/ optimizing the threshold amount	Adjusting the current threshold amount to make it as perfect, effective, or functional as possible.	
12	amount		

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II.

### PARTIES PROPOSED CONSTRUCTION OF CLAIM TERMS, PHRASES, OR CLAUSES ON WHICH THE PARTIES DO NOT **AGREE.**

Pursuant to Patent L.R. 4-3(b), the parties identify the following claims terms, phrases, or clauses on which the parties disagree for construction by the Court:

#### **Claim Terms Not Asserted By Parties As Subject To Construction** A. According To §112, 6th Paragraph.

Claim Term	3Com's Proposed Construction	D-Link's Proposed Construction
buffer memory	Intermediate storage to facilitate the timely and ordered transfer of data between a host computer and a communications medium, including retaining the data for retransmission	Dedicated random access memory that (1) stores transmit data, (2) is distinct from a FIFO, (3) can always retransmit a frame of data without having to retrieve it from a host, and (4) controlled independently of the host system.

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Claim Term	3Com's Proposed Construction	D-Link's Proposed Construction
Feedback	Current condition information available for control	Information derived from an output used to adjust an input.
Altering the threshold value	Changing the threshold value	Dynamically changing a threshold value by the host.
host system alterable threshold store	A place for storing a host computer changeable threshold amount	A storage location capable of change by the host dynamically.
alterable storage location	A place for storing changeable information	A storage location capable of change by the host dynamically.
posting status information	Storing the current condition information	Storing information about the state of a function or operation.
frame	Data bracketed by and including opening and closing sequences, such as a packet, for communication over a network.	A group of data transmitted as a unit that carries a protocol data unit on a network.
threshold amount/ threshold value	A value representing the quantity of data of a frame sufficient to trigger the initiation of transmission	A set value indicating a desired limit.
falls behind	When the frame is transmitted to the communications medium and some data from the host computer is not received in time to be included in the frame.	The absence of a write signal during a specified interval.

3Com's identification of references from the specification or prosecution history that support its constructions, and identification of extrinsic evidence known to 3Com on which it intends to rely either to support its proposed construction or to oppose D-Link's proposed constructions, is set out in Exhibit "A."

D-Link's identification of references from the specification or prosecution history that support its constructions, and identification of extrinsic evidence known to D-Link on which it intends to rely either to support its proposed construction or to oppose 3Com's proposed constructions, is set out in Exhibit "B."

# B. Claim Terms In Dispute Where The Parties Also Dispute Whether §112, 6th Paragraph Applies.

2	Paragraph A	Paragraph Applies.			
3	Claim Trams	3Com's Proposed Construction And Supporting	D-Link's Proposed Construction And Supporting		
4	Claim Term	Evidence	Evidence		
5	transmit logic, responsive to the	35 U.S.C. §112, ¶6 does not apply. This element should be	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.		
6 7	means for initiating transmission, for retrieving data from	construed according to ordinary principles of claim construction.	If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed		
8	the buffer memory and supplying	The transmit logic is circuitry or a device that performs the	construction is as follows:		
9	retrieved data for transmission on the	recited functions.	Circuitry or a device for retrieving data from a buffer		
10	communications medium	Corresponding structure if §112, ¶6 is found to apply:	memory for transmission over a communications medium.		
11		A disclosed structure in the '872	If 35 U.S.C. §112, ¶6, does		
12		patent includes the interface controller 6 ( <i>see</i> '872, col. 4:7-17), transmit DMA module 67,	apply, D-Link's proposed structure as corresponding to this term is as follows:		
13		(see '872, col. 9:5-7; 13-18), the			
14		transmit logic 39 (see '872, col. 4:34-40), interface processor 14	Transmit MAC logic 39 in Fig. 2; network interface processor		
15		(see '872, col. 5:36-48), transmit DMA logic 109 and transmit	14 in Fig. 3; elements 50, 66 and 67 in Fig. 4 and 4A; Xmit		
16		DMA 155.	DMA logic 109 in Fig. 5; transmit DMA logic 155 in Fig.		
17			9; elements 320 and 321 in Fig. 12; elements 330, 331, and 332 in Fig. 13; elements 335, 336,		
18			and 337 in Fig. 14; elements 340, 341, and 342 in Fig. 15,		
19			elements 350, 351, 353, 353, 354, 355, 356, and 357 in Fig.		
20			16, and elements 400, 405, 407, 410, 411, and 413 in Fig. 18.		
21	means, coupled with	35 U.S.C. §112, ¶6 does not	D-Link asserts that 35 U.S.C.		
22	the buffer memory, for monitoring the	apply. This element should be construed according to ordinary	§112, ¶6, applies to this term.		
23	transferring of data of a frame to the buffer	principles of claim construction.	If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed		
24	memory to make a threshold	The means is circuitry or a device coupled with the buffer	construction is as follows:		
25	determination of an amount of data of the	memory that performs the recited functions.	Circuitry or a device, connected to a buffer memory, for		
26	frame transferred to		watching, keeping track of, or		
27	the buffer memory	Corresponding structure if §112, ¶6 is found to apply:	checking on, the amount of data sent from a host computer to the buffer memory to		
28		A disclosed structure in the '872	determine whether the amount		

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1		3Com's Proposed	D-Link's Proposed
2	Claim Term	Construction And Supporting Evidence	Construction And Supporting Evidence
3		patent includes the interface controller 6 ( <i>see</i> '872, col. 4:7-	of sent data has reached a set value indicating a desired limit.
4		17), early transmit logic 6A (see '872, col. 4:7-17), threshold	If 35 U.S.C. §112, ¶6, does
5		logic 36 (see '872, col. 4:34-40), download DMA module 58 (see	apply, D-Link's proposed structure as corresponding to
6		'872, col. 8:55-59; col. 9:5-7),	this term is as follows:
7		interface processor 14 ( <i>see</i> '872, col. 5:36-48), Fig. 11, 12, 13,	Early transmit logic 6A in Fig.
8		14, 15, 16 and 17.	1; threshold logic 36 in Fig. 2; network interface processor 14
9			in Fig. 3; download DMA 58 in Figs. 4 and 4A; elements 300,
			301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 320, 321, 322, 323, 324, 325, 326, 327, 328, 328, 328, 328, 328, 328, 328, 328
10 11			321, 322, 323 in Figs. 11 and 12; elements 330, 331, and 332
			in Fig. 13; elements 335, 336, and 337 in Fig. 14; elements
12			340, 341, and 342 of Fig. 15; elements 350, 351, 352, 353,
RD 13 ICE WSKI DY 14 KIN			354, 355, 356, 357 in Fig. 16; and elements 370, 371, 372,
			and 373 in Fig. 17.
15	logic, coupled to the buffer memory,	35 U.S.C. §112, ¶6 does not apply. This element should be	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.
16	which monitors the transferring of data of	construed according to ordinary principles of claim construction.	If 35 U.S.C. §112, ¶6, does not
17	a frame to the buffer memory to make a	The logic is circuitry or a device	apply, D-Link's proposed construction is as follows:
18	threshold determination of an	coupled to the buffer memory that performs the recited	Circuitry or a device, connected
19	amount of data of the frame transferred to	functions.	to a buffer memory, for watching, keeping track of, or
20	the buffer memory	Corresponding structure if §112, ¶6 is found to apply:	checking on, the amount of data sent from a host computer
21		A disclosed structure in the '872	to the buffer memory to determine whether the amount
22		patent includes the interface	of sent data has reached a set
23		controller 6 ( <i>see</i> '872, col. 4:7-17), early transmit logic 6A ( <i>see</i> '872, col. 4:7-17), threshold	value indicating a desired limit.
24		'872, col. 4:7-17), threshold logic 36 (see '872, col. 4:34-40),	If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed
25		download DMA module 58 (see '872, col. 8:55-59; col. 9:5-7),	structure as corresponding to this term is as follows:
26		interface processor 14 ( <i>see</i> '872, col. 5:36-48), Figs. 11, 12, 13,	Early transmit logic 6A in Fig.
27		14, 15, 16 and 17.	1; threshold logic 36 in Fig. 2; network interface processor 14
28			in Fig. 3; download DMA 58 in Figs. 4 and 4A; elements 300,

1		3Com's Proposed	D-Link's Proposed
2	Claim Term	Construction And Supporting Evidence	Construction And Supporting Evidence
3			301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 320, 321, 322, 323 in Figs. 11 and
5			12; elements 330, 331, and 332 of Fig. 13; elements 335, 336, and 337 of Fig. 14; elements
6			340, 341, and 342 of Fig. 15; elements 350, 351, 352, 353, 354, 355, 356, 357 in Fig. 16;
7			and elements 370, 371, 372, and 373 in Fig. 17.
8 9	means, coupled with the buffer memory and including a host	35 U.S.C. §112, ¶6 does not apply. This element should be construed according to ordinary	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.
10 11	system alterable threshold store for storing a threshold	principles of claim construction.  The means is circuitry or a	If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed construction is as follows:
12	value, for monitoring the transferring of data of a frame to the	device coupled with the buffer memory and includes a host system alterable threshold store	Circuitry or a device, connected to a buffer memory, for
13 EE SKI Y 14	buffer memory to make a threshold	that performs the recited functions.	watching, keeping track of, or checking on, the amount of
Y 14 N 15	determination of an amount of data of the frame transferred to	Corresponding structure if §112, ¶6 is found to apply:	data sent from a host computer to the buffer memory to determine whether the amount
16	the buffer memory	A disclosed structure in the '872 patent includes the threshold	of sent data has reached a set value indicating a desired limit, wherein the circuitry or device
17 18		logic 36 (see '872, col. 4:34-40), interface processor 14 (see '872, col. 5:36-48), controller 6,	includes a storage location capable of change by the host that stores the set value.
19		download DMA 58 and Figs. 11 and 13-17	If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed
20 21			structure as corresponding to this term is as follows:
22			Early transmit logic 6A in Fig. 1; threshold logic 36 in Fig. 2;
23			network interface processor 14 in Fig. 3; download DMA 58 in Figs. 4 and 4A; elements 300,
24			301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 320,
25 26			321, 322, 323 in Figs. 11 and 12; elements 330, 331, and 332 of Fig. 13; alaments 335, 336
27			of Fig. 13; elements 335, 336, and 337 of Fig. 14; elements 340, 341, and 342 of Fig. 15;
28			elements 350, 351, 352, 353, 354, 355, 356, 357 in Fig. 16;

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1 2	Claim Term	3Com's Proposed Construction And Supporting Evidence	D-Link's Proposed Construction And Supporting Evidence
3			and elements 370, 371, 372, and 373 in Fig. 17.
4	data transfer circuitry, having a	35 U.S.C. §112, ¶6 does not apply. This element should be	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.
5	host system interface, for transferring data	construed according to ordinary principles of claim construction.	If 35 U.S.C. §112, ¶6, does not
6	of frames to the		apply, D-Link's proposed construction is as follows:
7	buffer memory	The data transfer circuitry is circuitry that includes a host	
8		system interface that performs the recited functions.	Circuitry or a device, having an interface to a computer that
9		Corresponding structure if §112, ¶6 is found to apply:	communicates over a network, for sending frame data to a buffer memory.
11		A disclosed structure in the '872 patent includes the interface	If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed
12		controller 6 (see '872, col. 4:7-17), download DMA module 58	structure as corresponding to this term is as follows:
13		(see '872, col. 8:55-59; col. 9:5-7), host interface logic 31 (see	Host interface logic 31 in Fig.
14		'872, col. 4:56-60), interface processor 14 ( <i>see</i> '872, col.	2; network interface processor 14 in Fig. 3 (and specifically
15		5:36-48), host interface logic 102 ( <i>see</i> '872, col. 11:43-col.	elements 50, 51, 53, 55, and 58 in Figs. 4 and 4A); host
16		12:22), download DMA logic 107 (see '872, col. 11:43-col.	interface logic 102, and Xmit descriptor and download DMA
17		12:22), receive DMA logic 110 ( <i>see</i> '872, col. 11:43-col. 12:22), and download DMA logic 151	logic 107 in Fig. 5; and host descriptor logic 150 and download DMA logic 151 in
18		(see '872, col. 16:24-35), and elements 50, 51, 53, 54, 55 and	Fig. 9.
19		150.	
20	host interface means,	35 U.S.C. §112, ¶6 does not	D-Link asserts that 35 U.S.C.
21	having an interface to the host system, for	apply. This element should be construed according to ordinary	§112, ¶6, applies to this term.
22	transferring data between the host	principles of claim construction.	If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed
23	system and the buffer memory	The host interface means is circuitry or a device that	construction is as follows:
24		includes an interface to the host system that performs the recited	Circuitry or a device, including an interface to a computer
25		functions.	connected to a network, for sending data between the
26		Corresponding structure if §112, ¶6 is found to apply:	computer and a buffer memory.
27 28		A disclosed structure in the '872 patent includes the interface controller 6 (see '872, col. 4:7-	If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed structure as corresponding to this term is as follows:

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1 2	Claim Term	3Com's Proposed Construction And Supporting Evidence	D-Link's Proposed Construction And Supporting Evidence
	Claim Term	17), download DMA module 58	Evidence
3		(see '872, col. 8:55-59; col. 9:5-	Host interface logic 31 in Fig.
4		7), host interface logic 31 ( <i>see</i> '872, col. 4:56-60), interface	2; network interface processor 14 in Fig. 3 (and specifically
5		processor 14 (see '872, col.	elements 50, 51, 53, 55, 57, and
3		5:36-48), host interface logic 102 ( <i>see</i> '872, col. 11:43-col.	58 in Figs. 4 and 4A); host interface logic 102 (including
6		12:22), download DMA logic 107 ( <i>see</i> '872, col. 11:43-col.	Xmit descriptor and download DMA logic 107 and View,
7		12:22), and download DMA	Xfer, and Upload DMA logic
8		logic 151 ( <i>see</i> '872, col. 16:24-35) and elements 50, 51, 53, 54,	108) in Fig. 5; host descriptor logic 150 and download DMA
		55, 57 and 150.	logic 151 in Fig. 9.
9	network interface	35 U.S.C. §112, ¶6 does not	D-Link asserts that 35 U.S.C.
10	means, having an	apply. This element should be	§112, ¶6, applies to this term.
11	interface to the network transceiver	construed according to ordinary principles of claim construction.	If 35 U.S.C. §112, ¶6, does not
12	and responsive to the means for initiating,	The network interface means is	apply, D-Link's proposed construction is as follows:
10	for transferring data	circuitry or a device that	
HOWARD 13 RICE NEMEROVSKI	between the buffer memory and the	includes an interface to the network that performs the	Circuitry or a device, including an interface to a network and
CANADY FALK & RABKIN	network transceiver	recited functions.	responsive to the means for
A Professional Corporation 15	for transmission	Corresponding structure if §112,	initiating, for sending data between a buffer memory and
16		¶6 is found to apply:	the network interface for transmission over the network.
		A disclosed structure in the '872	
17		patent includes the interface controller 6 ( <i>see</i> '872, col. 4:7-	If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed
18		17), transmit DMA module 67,	structure as corresponding to
19		(see '872, col. 9:5-7; 13-18), and interface processor 14 (see '872,	this term is as follows:
20		col. 5:36-48).	Transmit MAC logic 39 in Fig. 2; network interface processor
			14 in Fig. 3, elements 50, 66
21			and 67 in Fig. 4 and 4A; Xmit DMA logic 109 in Fig. 5,
22			transmit DMA logic 155 in Fig.
23			9, elements 320 and 321 in Fig. 12; elements 330, 331, and 332
24			in Fig. 13; elements 335, 336, and 337 in Fig. 14; elements
			340, 341, and 342 in Fig. 15,
25			elements 350, 351, 353, 353, 354, 355, 356, and 357 in Fig.
26			16, and elements 400, 405, 407, 410, 411, and 413 in Fig. 18.
27		25 H C C 8112 FC 1	
28	means, having a host system interface, for	35 U.S.C. §112, ¶6 does not apply. This element should be	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.

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1 2	Claim Term	3Com's Proposed Construction And Supporting Evidence	D-Link's Proposed Construction And Supporting Evidence
3	transferring data of frames to the buffer memory	construed according to ordinary principles of claim construction.	If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed
5		The means is circuitry or a device that includes a host system interface, that performs	construction is as follows:  Circuitry or a device, including
6		the recited functions.  Corresponding structure if §112,	an interface to a computer connected to a network, for sending frame data from the
7		¶6 is found to apply:	computer to a buffer memory.
8 9		A disclosed structure in the '872 patent includes the interface controller 6 (see '872, col. 4:7-	If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed structure as corresponding to this term is as follows:
10		17), download DMA module 58 ( <i>see</i> '872, col. 8:55-59; col. 9:5-7), host interface logic 31 ( <i>see</i>	Host interface logic 31 in Fig.
11		'872, col. 4:56-60), interface processor 14 ( <i>see</i> '872, col. 5:36-48), host interface logic	2; network interface processor 14 in Fig. 3; elements 50, 51, 53, 54, 55, and 58 in Figs. 4
12		102 ( <i>see</i> '872, col. 11:43-col. 12:22), download DMA logic	and 4A; host interface logic 102 and Xmit descriptor and
15   15		107 (see '872, col. 11:43-col. 12:22), download DMA logic 151 (see '872, col. 16:24-35) and elements 50, 51, 53, 54, 55 and 150	download DMA logic 107 in Fig. 5; and host descriptor logic 150 and download DMA logic 151 in Fig. 9.
16 17 18 19 20 21 22 23 24 25 26 27 28	underrun control logic, which detects a condition in which the means for transferring falls behind the transmit logic, and supplies a bad frame signal to the communications medium in response to the underrun condition	and 150.  35 U.S.C. §112, ¶6 does not apply. This element should be construed according to ordinary principles of claim construction.  The underrun control logic is circuitry or a device that performs the recited functions.  Corresponding structure if §112, ¶6 is found to apply:  A disclosed structure in the '872 patent includes the interface processor 14 (see '872, col. 5:36-48), transmit logic 39 (see '872, col. 4:34-40; col. 28:25-40), and underrun detector 413 (see '872 col. 28:48-61).	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.  If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed construction is as follows:  Circuitry or a device that detects a condition in which there is an absence of a write signal during a specified interval, and, in response thereto, supplies to a communications medium a specific signal flag indicating that a corresponding frame contains invalid data.  If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed structure as corresponding to this term is as follows:  Underrun detector 413, and

1 2	Claim Term	3Com's Proposed Construction And Supporting Evidence	D-Link's Proposed Construction And Supporting Evidence
3			elements 405, 407, 410, and 411 in Fig. 18.
4 5 6 7 8 9 10 11 12 13 KI 14 15 16 17 18 19 20 21 22 23 24	logic, responsive to the threshold determination of the logic which monitors the transferring of data to the buffer memory, which initiates transmission of the frame from the buffer memory to the medium access controller prior to transfer of all of the data of the frame to the buffer memory, including logic which initiates transmission of the frame when no complete frame of data is present in the buffer memory	35 U.S.C. §112, ¶6 does not apply. This element should be construed according to ordinary principles of claim construction.  The logic is circuitry or a device that performs the recited functions.  Corresponding structure if §112, ¶6 is found to apply:  A disclosed structure in the '872 patent includes the transmit logic 39 (see '872, col. 4:34-40), download DMA module 58 (see '872, col. 8:55-59; col. 9:5-7), interface processor 14 (see '872, col. 5:36-48), Fig 12.	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.  If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed construction is as follows:  Circuitry or a device, responsive to a determination of whether a threshold amount has been reached by the logic which monitors the transferring of data to the buffer memory, which starts transmitting a frame from the buffer memory to circuitry or a device that controls access to the network before the buffer memory has received the whole frame, including circuitry or a device which starts transmitting a frame when an entire is not stored in the buffer memory.  If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed structure as corresponding to this term is as follows:  Transmit MAC logic 39 in Fig. 2; network interface processor 14 in Fig. 3; download DMA 58 in Figs. 4 and 4A; elements 320, 321, 322, and 323 in Fig. 12; elements 330, 331, and 332 in Fig. 13; elements 330, 331, and 332 in Fig. 13; elements 335, 336, and 337 of Fig. 14; elements 340, 341, and 342 of Fig. 15; elements 370, 371, 372, and 373 of Fig. 17; and elements 400, 405, 407, 410, 411, and 413 in Fig. 18.
25 26 27 28	means for comparing the counter to the threshold value in the alterable storage location and generating an	35 U.S.C. §112, ¶6 does not apply. This element should be construed according to ordinary principles of claim construction.  The means is circuitry or a	D-Link asserts that 35 U.S.C. §112, ¶6, applies to this term.  If 35 U.S.C. §112, ¶6, does not apply, D-Link's proposed construction is as follows:

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1		3Com's Proposed	D I ink's Proposed
1		3Com's Proposed Construction And Supporting	D-Link's Proposed Construction And Supporting
2	Claim Term	Evidence	Evidence
3 4 5 6 7 8 9 10 11 12	indication signal to the host processor responsive to a comparison of the counter and the alterable storage location.	device that performs the recited functions.  Corresponding structure if §112, ¶6 is found to apply:  A disclosed structure in the '459 patent includes the interface processor 14 (see, e.g., '459, col. 7:8-9), DMA Block 63 (see '459, col. 11:20-41; col. 31:25-33), and threshold compare logic 511.	Circuitry or a device for comparing a count value to a set value indicating a desired limit that is stored in a location capable of change by the host dynamically, and, in response to the comparing the count value to the stored set value, generating a signal that is used to point out or to notify to the host processor.  If 35 U.S.C. §112, ¶6, does apply, D-Link's proposed structure as corresponding to this term is as follows:  Fig. 14, comparator 213 and RCV complete control 210.

# C. Claim Terms In Dispute Where The Parties Agree That §112, 6th Paragraph Applies.

Claim Term	3Com's Proposed Construction And Supporting Evidence	D-Link's Proposed Construction And Supporting Evidence
control means, coupled with the network interface means, for posting status information for use by the host system, as feedback for optimizing the threshold value	A disclosed structure in the '872 patent includes host interface logic 31 (see '872, col. 4:46-60) and interface processor 14 (see '872, col. 5:36-48).	Info and Status registers in Fig. 6; underrun detector 413 in Fig. 18.
means, responsive to the threshold determination of the means for monitoring, for initiating transmission of the frame, prior to transfer of all the data of the frame to the buffer memory from	A disclosed structure in the '872 patent includes the interface controller 6 (See '872, col. 4:7-17), download DMA module 58, (see '872, col. 8:55-59; col. 9:5-18), interface processor 14 (see '872, col. 5:36-48) and transmit MAC logic 39.	Transmit MAC logic 39 of Fig. 2; network interface processor 14 in Fig. 3; download DMA 58 in Figs. 4 and 4A; elements 320, 321, 322, and 323 in Fig. 12; elements 330, 331, and 332 of Fig. 13; elements 335, 336, and 337 of Fig. 14; elements 340, 341, and 342 of Fig. 15; elements 370, 371, 372, and 373 of Fig. 17; and elements

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1 2	Claim Term	3Com's Proposed Construction And Supporting Evidence	D-Link's Proposed Construction And Supporting Evidence	
3	the host computer		400, 405, 407, 410, 411, and 413 in Fig. 18.	
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5		III.		
6 7	ESTIMATED TIME FOR CLAIM CONSTRUCTION HEARING.			
8	Under Patent L.R. 4-3(c), the parties anticipate the following length of time necessary			
9	for the Claim Construction Hearing: one day.			
10				
11	IV.			
12	IDENTIFICATION OF WITNESSES.			
13	As required by Patent L.R. 4-3(d), the parties identify the following witness each party			
14	may call at the Claim Construction Hearing:			
15	3Com may present testimony at the claim construction hearing from an expert,			
16	Mr. Alfred C. Weaver. Pursuant to Patent L.R. 4-3(d), 3Com presents a summary of each			
17	opinion to be offered by its expert in Exhibit A.			
18	D-Link may present testimony at the claim construction hearing from its expert,			
19	Mr. Howard Frazier. Pursuant to Patent L.R. 4-3(d), D-Link presents a summary of each			
20	opinion to be offered by	y its expert in Exhibit "C."		
21				
22	V.			
23		OTHER ISSUES.		
24	Under Patent L.R. 4-3(e), parties identify the following "other issues" to be addressed			
25		at the Claim Construction Hearing:		
26	None at this time.			
27				
28				

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JOINT CLAIM CONSTRUCTION & PREHEARING STATEMENT C-03-2177 VAW WD 031204/2-1551102/Y6/1136995/v1 -12-

1	Pursuant to the Court's request, the	he parties are in the process of scheduling a new date	
2	for the claim construction hearing, due to the Court's unavailability on the date originally		
3	scheduled.		
4			
5		Respectfully,	
6	DATED: March 12, 2004.	NEIL A. SMITH	
7		HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN	
8		A Professional Corporation	
9		JAMES H. LAUGHLIN, JR. ROBERT C. BERTIN	
10		ALICIA A. MEROS CHADWICK A. JACKSON	
11		SWIDLER BERLIN SHEREFF FRIEDMAN, LLP	
12		By: /s/ NEIL A. SMITH	
D 13			
D 13		Attorneys for Plaintiff 3COM CORPORATION	
nation 15	DATED: March 12, 2004.	STEVEN H. MORRISSETT	
16		FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.	
17		E. ROBERT YOCHES YITAI HU	
18		TIMOTHY J. MAY KEVIN M. ROSENBAUM	
19		FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.	
20		GARRETT & DUNNER, L.L.F.	
21		By:/s/ STEVEN H. MORRISSETT	
22			
23		Attorneys for Defendant D-LINK SYSTEMS, INC.	
24			
25			
26			
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28			
I	II		